

Appl. No.: 09/875,237

Group Art Unit: 1714

Response dated October 5, 2005; Applicants' Reply to the Final Action Dated July 5, 2004

**REMARKS**

Claims 1-30 are currently pending in the present application.

In the Final Action, the Examiner maintains the rejection of claims 1-30 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-42 of U.S. Patent No. 6,399,741 of Fry, *et al* and makes this rejection Final.

In the subject Final Action, the examiner states that a timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome a rejection based on a nonstatutory double patenting ground, providing the conflicting patent is shown to be commonly owned with this application. Reference is made to 37 CFR 1.130(b).

The Fry *et al.* '741 patent is owned by Cognis Corporation. As a result of a requirement to assign the rights to the subject invention, including all patent rights, to Cognis Corporation at the time of the invention, the inventors of the subject application executed an assignment to Cognis Corporation which is recorded in the USPTO at Reel/Frame 012261/0350. Accordingly, applicants respectfully request acceptance of the attached "TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER 'PRIOR' ART" and allowance of the application.

There being no further rejections, applicants respectfully request issuance of a Notice of Allowance for all pending claims.

Respectfully submitted,

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